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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2022

CORAM:

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.Nos.5938, 5940 & 5944 of 2022 &
WMP.Nos.6026, 6027, 6028, 6030, 6031, 6032,
6034, 6035 & 6036 of 2022

Varun Kapoor ... Petitioner in W.P.No.5938 of 2022

M/s.Apollo Polyvinyl Private Limited
Represented by its Director,
Mr.Varun Kapoor,
Having its registered office at,
No.6, 3rd Street, Balaji Nagar,
Royapettah, Chennai-600 014.

... Petitioner in W.P.No.5940 of 2022

Sunil Kapoor ... Petitioner in W.P.No.5944 of 2022

Vs

State Bank of India,
Represented by its Deputy General Manager,
SBI (Stressed Asset Management Branch)
"Red Cross Buildings"
32, Red Cross Road,
Egmore, Chennai - 600 008.

... Respondent in all the W.P.'s

COMMON PRAYER:- Writ Petitions filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the Respondent Bank in classification of the petitioners as willful defaulter vide Notice in SBI/SAMB/CHE/CLO VI/816 dated 15.12.2021 and publication in English Daily, Economic Times, dated 18.12.2021 and in Tamil Daily, The Hindu Tamil Edition dated 18.12.2021 and thereby quash the same and consequently direct the respondent to remove the petitioners from the list of willful defaulters.

(In all W.P.'s)
For Petitioners : Mr.SR.Rajagopal
for Vijayalakshmi Rajagopal



For Respondents : Mr.M.L.Ganesh
Senior Panel Counsel

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O R D E R

These three Writ Petitions have been filed at the instance of the company, one Apollo Polyvinyl Private Limited (W.P.No.5940 of 2022) and two of its Directors (W.P.Nos.5938 and 5944 of 2022) challenging the publication of their particulars in Economic Times, issue dated 18.12.2021 and in The Hindu Tamil Edition of even date, projecting them as willful defaulters of financial arrangements that they have enjoyed from the State Bank of India.

2. Mr.M.L.Ganesh, who accepts notice for the sole respondent, State Bank of India (Stressed Asset Management Branch) places on record proof of service of the order passed by the Review Committee dated 03.07.2021 which is a source of the impugned action. Till date, he would state, the order of the Review Committee has not been challenged by the petitioners. He points out that the impugned action is a mere consequence of order dated 03.07.2021 and is sustainable in light of the aforesaid order.

3. Mr.Rajagopal, learned senior counsel for the learned counsel on record, would outright deny receipt of the aforesaid order, drawing attention to ground (b) of the petitioners' affidavit to this effect. However, since proof of service of the order is produced, it would appear that the same has been served upon the petitioners. The proper course of action will be for the petitioners to have challenged this order, if so they were so desirous.

4. There is no merit in these Writ Petitions that only challenge consequential action and all three writ petitions are dismissed. Liberty is sought for and granted to enable the petitioners to challenge the order of the Review Committee dated 03.07.2021.

5. Since there is protracted discussion on whether the order has indeed been served, in the interests of time, I have directed respondent counsel to supply a copy of order dated 03.07.2021 to Mr.Rajagopal and grant liberty to the petitioners to challenge the same within a period of four (4) weeks from date of issue of this order.



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6. No costs. Connected Miscellaneous Petitions are also dismissed.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To
Deputy General Manager,
State Bank of India,
SBI (Stressed Asset Management Branch)
"Red Cross Buildings"
32, Red Cross Road,
Egmore, Chennai - 600 008.

+1cc to M/s.Vijayalakshmi Rajagopal, Advocate, S.R.No.18506

W.P.Nos.5938, 5940 & 5944 of 2022
& WMP.Nos.6026, 6027, 6028, 6030, 6031,
6032, 6034, 6035 & 6036 of 2022

NMI (CO)
KM(21/04/2022)